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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/668,761

09/23/2003

Timothy Ramey

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7590

06/20/2006

HEWLETT-PACKARD COMPANY

Intellectual Property Administration

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EXAMINER

NGUYEN, MINH CHAU

ART UNIT

PAPER NUMBER

2145

DATE MAILED: 06/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/668,761	<b>Applicant(s)</b> RAMEY, TIMOTHY	
	<b>Examiner</b> MINH-CHAU N. NGUYEN	<b>Art Unit</b> 2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 September 2003.
- 2a) ☐ This action is **FINAL**.
- 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3,6,8,11 and 13 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,6,8,11 and 13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9/23/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

*MM*

**DETAILED ACTION*****Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

1. Claims 1,3,6,8,11,13 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 2,5,8 of U.S. Patent No. US 6,654,350B1. Although the conflicting claims are not identical, they are not patentably distinct from each other because:

- *In the application, claim 1 and claim 3 are claimed:*

Claim 1: a system for tracking a data transfer transaction across a multi-hop network, comprising:

a plurality of devices that conduct a data transfer transaction having at least one transfer segment across the multi-hop network, the plurality of devices including an origination device and a destination device;

a service device in communication with the plurality of devices, the service device generating a globally unique transaction identifier associated with the data transfer transaction; and

a tracking table maintained in the service device to track the data transfer transaction from the origination device to the destination device, the tracking table being associated with the globally unique transaction identifier.

Claim 3: the service device transmits the globally unique transaction identifier to a respective one of the plurality of devices upon receiving a job identifier generated by the respective one of the plurality of devices.

- *In the patent, claim 2 is claimed:* a system for tracking a data transfer transaction across a multi-hop network, comprising:

a plurality of devices that conduct a data transfer transaction having at least one transfer segment across the multi-hop network, the plurality of devices including an origination device and a destination device;

a service device in communication with the plurality of devices, the service device generating a globally unique transaction identifier associated with the data transfer transaction; and

a tracking table maintained in the service device to track the data transfer transaction from the origination device to the destination device, the tracking table being associated with the globally unique transaction identifier.

wherein the service device transmits the globally unique transaction identifier to a respective one of the plurality of devices upon receiving a job identifier generated by the respective one of the plurality of devices;

- Claims 6 and 8 in the application are also claimed as same as claim 5 in the patent.
- Claims 11 and 13 in the application are also claimed as same as claim 8 in the patent.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,3,6,8,11,13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ronen et al. (Ronen) (5,905,736), and further in view of Miller et al. (Miller) (US 6,192,410 B1).

3. Claim 1, Ronen teaches a system for tracking a data transfer transaction across a multi-hop network, comprising:

a plurality of devices that conduct a data transfer transaction having at least one transfer segment across the multi-hop network (in figure 1, a terminal 101 which conducts transactions with music servers/providers, video servers, etc. through the internet 105 or multi-hop network (ISPs)) (Col. 3, L. 23-44) , the plurality of devices including an origination device (i.e. device 101 in figure 1) and a destination device (i.e. the music or video servers/providers) (Col. 3, L. 23-44);

a service device (i.e. IAP 104) in communication with the plurality of devices, the service device generating an internet address (i.e. the internet address is associated with the user for a session that the user's terminal remains connected to IAP) with the data transfer transaction (Col. 3, L. 45-61); and

a tracking table maintained in the service device to track the data transfer transaction from the origination device to the destination device (i.e. database

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113 and 108 in figure 1), the tracking table being associated with the IP address (Col. 3, L. 45-61).

Ronen fails to teach a globally unique transaction identifier. However, Miller, in the same field of endeavor having closely related objectivity, teaches a globally unique transaction identifier (figure 5, item 500,502,504; and Col. 4, L. 17-26; and Col. 11, L. 7-26; and Col. 15, L. 47-58).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated Miller's teachings of a globally unique transaction identifier, in the teachings of Ronen in method for the billing of transactions over the internet, for the purpose of providing improved protocol management to permit the exchange of data between processes on the secured system.

4. Claim 3, Ronen teaches the service device transmits the IP address to a respective one of the plurality of devices (i.e. the terminal 101) upon receiving a user's identity (id) generated by the respective one of the plurality of devices (Col. 5, L. 14-44).

Ronen fails to teach a globally unique transaction identifier and a job identifier. However, Miller, in the same field of endeavor having closely related objectivity, teaches a globally unique transaction identifier and a job identifier (figure 5, item 500,502,504; and abstract; and Col. 4, L. 17-26; and Col. 11, L. 7-26; and Col. 15, L. 47-58).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated Miller's teachings of a globally unique transaction identifier and a job identifier, in the teachings of Ronen in method for the billing of transactions over the internet, for the purpose of providing improved protocol management to permit the exchange of data between processes on the secured system.

5. Claims 6,8 are corresponding method claims of system claims 1,3. Therefore, they are rejected under the same rationale.
6. Claims 11,13 are corresponding claims of claims 1,3. Therefore, they are rejected under the same rationale.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MINH-CHAU N. NGUYEN whose telephone number is (571)272-4242. The examiner can normally be reached on Monday-Friday from 8:00am - 4:30pm.

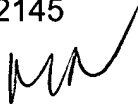
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JASON D. CARDONE can be reached on (571) 272-6159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Examiner: Minh-Chau Nguyen  
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**JASON CARDONE**  
SUPERVISORY PATENT EXAMINER